

REMARKS

Claims 1-6, 8-16 and 18-20 are pending in the present application. Applicants respectfully request reconsideration of the application in view of the remarks.

As an initial matter, the Examiner's comments in the Advisory Action are appreciated.

I. Rejections Under 35 U.S.C. § 102

Claims 1-6, 8-9, 13-16 and 18-20 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over *Boyd* (US 6,484,148), for the reasons set forth on pages 3-13 and of the Final Office Action.

Claims 1, 14 and 20 are the independent claims.

Claim 1 claims, *inter alia*, “preventing the display of a second portion of the content according to a second satisfied rule of the two triggered rules.”

Boyd teaches using conditions for determining whether to display content (see column 13, lines 22-28). *Boyd* does not teach “preventing the display of a second portion of the content according to a second satisfied rule of the two triggered rules” as claimed in Claim 1. For example, *Boyd* teaches considering a first condition (e.g., that an ad be directed to men at least 35 years old and having an income greater than \$80,000) along with a second condition (e.g., that the ad be displayed during the winter months) to determine when to display content (e.g. an ad relating to snow blowers) (see column 13, lines 22-28). These are positive rules, or rules that when satisfied cause a display of content. *Boyd* does not teach a negative rule that when satisfied prevents the display of content, essentially as claimed. Here, Applicants note that the Examiner's comment in the advisory action, “If it is not the winter months the ad is prevented from being

displayed.” Applicants respectfully disagree with this interpretation of *Boyd*. *Boyd* implements positive rules only, without teaching a negative rule that when satisfied may prevent the display of content. For at least the foregoing reasons *Boyd* fails to teach every limitation of Claim 1.

Claim 14 claims, *inter alia*, “determining a variable monetary charge based on the content displayed and a value associated with each of the satisfied rules which triggered the display of the content, wherein different rules having different values.”

Boyd teaches a ranking function to determine the optimal ad to display to two or more persons, wherein the optimal ad is determined by the advertising fees generated by displaying the advertisements and/or the strength of the match between the advertisement profile and the consumer profiles (see column 8, lines 46-51). *Boyd* does not teach “determining a variable monetary charge based on the content displayed and a value associated with each of the satisfied rules which triggered the display of the content, wherein different rules having different values” as claimed in Claim 14. *Boyd* ties advertising fees to the content of the ad, e.g., the ad is displayed and the fee associated with the ad is X; *Boyd* does not teach variable fees tied to each satisfied rule triggering the display of the content, e.g., the ad is displayed because of triggered rules A and B having fees X and Y. The claimed invention would allow for an increased fee for the same content if multiple rules are satisfied, *Boyd* fails to teach an analogous method for charging variable fees based on rules for displaying content. Therefore, *Boyd* fails to teach every limitation of Claim 14.

Claim 20 claims, *inter alia*, “determining the variable fee dynamically for each display of the content according to a combined value of the device parameters currently satisfying the triggered rule.”

The Examiner points to column 8, lines 23-65 of *Boyd* as teaching determining the fee dynamically for each display of the content according to value of the device parameters currently satisfying the triggered rule. Applicants respectfully disagree. Respectfully, *Boyd* teaches simultaneously receiving multiple signals and providing targeted advertisements based on the signal having the most attractive consumer profile, creating a composite profile based on a cross-section of multiple consumer profiles retrieved simultaneously, and performing a ranking function to determine the optimal ad to display to two or more persons (see column 8, lines 23-65). This ranking or strength is used in selected content to be displayed and is unrelated to a variable fee charged for the content. Nowhere does *Boyd* teach “determining the variable fee dynamically for each display of the content according to a combined value of the device parameters currently satisfying the triggered rule”, as claimed in Claim 20. The fees of *Boyd* are static in that they are associated only with the act of displaying an ad (see column 8, lines 45-51); they do not vary for a given ad and therefore are not dynamic, as essentially claimed in Claim 20. Therefore, *Boyd* fails to teach every limitation of Claim 20.

Therefore, for at least the reasons above, *Boyd* does not teach all of the limitations of Claims 1, 14 and 20. Applicants respectfully request that inasmuch as Claims 2-6, 8-9, 13, 15-16 and 18-19 are dependent on Claims 1, 14 and 20, and Claims 1, 14 and 20, as amended, are patentable over *Boyd*, Claims 2-6, 8-9, 13, 15-16 and 18-19 are patentable as dependent on patentable independent claims. Reconsideration of the instant rejection is respectfully requested.

II. Rejections Under 35 U.S.C. § 103

Claims 10-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Boyd*, for the reasons set forth on pages 9-10 of the Office Action.

Claims 10-12 depend from Claim 1 and are believed to be patentable for at least the reasons given for Claim 1. Reconsideration of the instant rejection is respectfully requested.

CONCLUSION

For the forgoing reasons, the application, including Claims 1-6, 8-16 and 18-20, is believed to be in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,

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By: /Nathaniel T. Wallace/
Nathaniel T. Wallace
Reg. No. 48,909
Attorney for Applicant(s)

F. Chau & Associates, LLC
130 Woodbury Road
Woodbury, New York 11797
TEL: (516) 692-8888
FAX: (516) 692-8889